

### **REMARKS/ARGUMENTS**

In respect of the claim objection against claim 1 raised in item 4 of the Office Action, Applicant respectfully submits that the objection is improper. Claim 1 defines a plurality of actuators. Claim 1 further defines “etching the layer of conductive material to define a heating circuit for each actuator”. That is, a plurality of heating circuits are implicitly defined because there are multiple actuators, hence multiple heating circuits. Therefore, the claim language used in line 17 of the claim, “the heating circuits are embedded” is proper because it refers to the multiple heating circuits which have a proper antecedent.

In respect of the 35 USC 112 objection :

In claim 1, the skilled addressee would clearly understand that the word “fast” is used in the context of “secured” or “fixed”. Ie, “an actuator that is fast ... with the substrate”. The later definition of the “closure member” at the “opposite end” make this clear. The Applicant therefore considers that this terminology is clear, definite and not subjective.

In claim 1, first and second layers of actuator material are defined. However, the term “the actuator material” is considered to be clear because, “the actuator material” refers collectively to all of the actuator material not necessarily to either of the layers. On a proper reading of the term, the skilled addressee would understand that in order to form the actuators, the actuator material, being comprised of the first and second layers, must be etched to shape the actuator material appropriately. If the claim had defined “etching the layer of actuator material” then it would be unclear which layer was being referred to, however, the Applicant considers that the term “etching the actuator material” is appropriate. Applicant there considers that this point is overcome in relation to claim 1, and also in relation to claims 2, 3 and 7.

In claim 4, the term “relatively” has been removed.

Claims 1 to 8 stand rejected under 35 USC 102(b) as being anticipated by US 6,247,792. With respect, Applicant considers that this rejection is improper. The present application is a continuation of 10/302,606 filed November 23, 2002, which itself is a continuation of

09/855094. The present application is therefore entitled to the benefits of priority stemming from the priority documents, AU PO7991 and AU PO8001, which are the same priority documents as the Silverbrook citation referenced by the Examiner.

Accordingly, the Applicant considers that the Silverbrook reference is unable to be cited under 35 USC 102(b) in the present circumstances.

In light of the amendments made herein and the above comments, Applicant considers that each of the issues raised in the Office Action have been addressed and that the application has been placed in condition for allowance. Further consideration of the application is therefore respectfully requested.

Very respectfully,

Applicant:



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